

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 468
Thursday, June 26, 1986, 1:00 p.m.
City Commission Room, Plaza Level
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Quarles Smith White, Acting Chairman	Bradley Chappelle	Gardner Jones Baker Pitts	Jackere, Legal Department Hubbard, Protective Inspections Candy Parnell

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 24, 1986, at 1:15 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Acting Chairman White called the meeting to order at 1:00 p.m.

MINUTES:

On MOTION of SMITH, the Board voted 3-0-0 (White, Smith, Quarles, "aye"; no "nays", no "abstentions"; Bradley, Chappelle "absent") to APPROVE the Minutes of June 12, 1986.

UNFINISHED BUSINESS

Case No. 14045

Action Requested:

Variance - Section 280 - Structure Setback from Abutting Streets - Request a variance to permit required parking in the major street setback (50' from centerline of 15th).

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts Use Unit 1210 - (as authorized by Section 1680.1g) - Request a special exception to permit off-street parking in an RS-3 District when abutting OL zoning and to permit access to the OL District through RS-3 zoning.

Variances - Section 630 - Bulk and Area Requirements in Office Districts - Request a variance to permit 50% floor area ratio on Lots 4 and 75% floor area ratio on Lot 3; variance of setback from the centerline of 15th Street from 100' to 60'± to permit expansion of garage on Lot 4; variance of setback from west property line from 10' to 3'± to permit expansion of garage on Lot 4; variance of setback from north property line from 10' to 3' to permit expansion of the existing building on Lot 3; variance to permit 2 stories (due to expansions) on both Lots 3 and 4.

Case No. 14045 (continued)

Variance/Exception - Section 1211.3 - Office and Studios Use Conditions - Section 250.3(d) - Modification of the Screening Wall or Fence Requirements - Request a variance/exception to waive/modify the screening requirement along the entire west property line (including lease property) and between Lot 3 and leased property.

Variance - Section 1211.4 - Off-Street Parking and Loading Requirements - Request a variance of parking requirements from 16 to 5 on Lot 4 and from 14 to 0 on Lot 3.

Variance - Section 1320 - Off-Street Parking General Requirements - Request a variance to permit the required parking on a lot other than the lot containing the principal use, located at 1400 South Norfolk.

Presentation:

The applicant, Ronald Henderson, 1643 East 15th, Tulsa, Oklahoma stated today's hearing is a continuance of the original hearing which was held on May 1, 1986. Applicant stated the application is fairly complicated and extensive and is unique in the fact that the land itself is unique. Mr. Henderson said they are approaching the requested variances through a light office category as apposed to a PUD. At the last hearing several interested parties stated they thought the PUD was the most appropriate route to follow. City Commission had heard that argument and had directed the Board of Adjustment to hear the application. The applicant handed out a packet (Exhibit A-1) which contained a plot plan, landscape plans, and a letter from the Department of Transportation. Concerns were stated at the last meeting concerning landscaping being adequate and that the applicant would be using excess highway right-of-way land for required parking. Cherry Street Partners was able to acquire fee simple title to the land between their development and the highway. Applicant stated he visited with the Highway Department and they explained that their property would not be available for acquisition because it is part of the proposed Riverside Expressway. The State will not turn loose of any property that they may need in the future for expressway right-of-way. Mr. Henderson stated that Mr. Robinson of the Highway Department informed that the Riverside Expressway has been totally deleted from the master highway plan. Applicant presented copy of Tie Agreement (Exhibit A-1). Mr. Quarles asked the applicant if a substantial part of his proposal was to lease highway right-of-way as a part of the request. Applicant referred Mr. Quarles to Exhibit A-1. Mr. Smith asked applicant if he voluntarily tied his application to the term of the lease. Mr. Henderson replied that he could not sever the leasehold interest from the fee simple interest. Mr. Smith asked applicant what he planned to do if his lease expired and the Highway Department wanted to build on that property. Mr. Henderson replied that we would then have a problem. Applicant stated that he only has a three year lease for the right-of-way but that the leases would not go up for bid again and that the applicant would always have a lease

Case No. 14045 (continued)

on them so long as the Highway Department did not need the right-of-way for construction. Mr. Henderson stated that the Board in the past two years approved a similar type arrangement at 14th and Boston for the parking requirement for leased land. Ms. White asked if all of the applicants required parking was in the leased area and the applicant replied in the negative, but did state that the majority was there. Mr. Jackere asked the applicant if he was satisfied this was an extremely long-term lease based upon lack of likelihood that the state would take that lot. Mr. Henderson replied in the affirmative. Mr. Jackere stated that some day the State may come in and take the land or not renew the lease. Mr. Jackere asked where the parking would be in that case. Mr. Henderson replied that the parking would most likely come out of the vacated street east of the subject tract. Mr. Henderson also stated that he would put a parking lot between the four structures there if necessary.

Protestants:

Grant Hall, 1202 East 18th, Tulsa, Oklahoma, a representative of the Mapleridge Association, listed concerns of most of the parking being on leased land and that if the lease went away he was not sure where the parking would go. Mr. Hall stated there are only two property owners on this block involved and that he did not know how they would feel about the street being vacated. Mr. Hall stated a building to the north would require variances for the second story and most likely does not have adequate parking. Mr. Hall stated that he did not object to the office use, but it was the uncertainty of where the parking would go that was a concern.

Ms. White asked if the main objection was not to the use, but to the parking being almost entirely on the state leased land. Mr. Hall replied in the affirmative.

Mr. Hall stated that the residential areas and the uses on the south side of 15th are subject to change at this point because of the office zoning along the entire north side of 15th Street and that there is no place for parking to go except across the street in the residential area.

Interested Parties:

Randy Heckenkemper, with Planning Design Group, is the land planner on the Cherry Street Plaza Project and represents Cherry Street Partners. Mr. Heckenkemper stated his main concern as a condition to the application, if it is approved, is that they have a document where the city could hold the applicant responsible for development standards. Mr. Heckenkemper's main concern is that the properties remain residential until the time the development standards have been met.

Applicant's Rebuttal:

Mr. Henderson stated that he is just as concerned as anyone about how the property develops and that he has tried to come up with the best development scheme possible. Mr. Henderson said he is convinced that the right-of-way property will be available as long as needed. He also stated that from an ownership standpoint, as well as from a lender's standpoint, it will always be an issue.

Bob Gardner, INCOG, stated there was nothing keeping the Board from making a condition of approval that this development be conditioned upon the lease, if they lose the lease then they have to make the parking available. Mr. Gardner also stated the additions they are proposing to build would be additions that, if they did not have the land for parking, would have to be used for parking. Mr. Gardner feels the problem should be the burden of the applicant if they should lose the lease, not the City's or the neighborhoods'. Mr. Gardner stated that if the Board supports the project they should make the approval subject to maintaining the lease. Mr. Gardner said that would protect the City. The applicant would have the option to remove the small building or remove the large addition and turn it into parking in order to meet the required parking. Mr. Gardner stated they could also vacate the street and combine it with the properties to the east and then they would have all kinds of potential for parking. Mr. Gardner stated that unless the Board made the parking lease a condition of approval there would be absolutely nothing that the City could do to later enforce parking on site.

Ms. White asked Mr. Gardner if he felt this addition precludes the applicant meeting the parking qualifications if they should lose their lease and Mr. Gardner said it was the applicant's burden and that was a risk they ran. Mr. Gardner stated that if the applicant is relying on parking on property owned by the State and they lose that lease the applicant says he has a problem. Mr. Gardner said he feels it should be the applicant's problem to resolve, not the City's or the neighborhoods. Mr. Gardner told the Board if they made that a condition of approval that is what the applicant would have to do.

Mr. Quarles stated he would feel more comfortable if they were looking at a short term pay out of five or ten years. Mr. Quarles stated that the success, to a great degree, is going to be contingent on the retention of this lease and that he would not like to do something that is going to throw this back in front of another Board five or ten years from now as a hardship case.

Mr. Smith stated he felt the applicant had entered into it with a full knowledge of what could be expected and that if the case becomes a hardship case at that point it would be a self-imposed one. Mr. Smith asked the applicant if he agreed.

Mr. Henderson stated that if they should lose the lease that they simply must provide parking. Mr. Henderson stated he felt whoever

Case No. 14045 (continued)

continues to develop Cherry Street Plaza would not be unresponsive to shared parking if that was the case. Mr. Henderson stated there was still plenty of room to provide parking even with the Riverside Expressway going in. Mr. Henderson said another alternative was parking next door at a major office complex that will be going in. Mr. Henderson said property would continue to run down and would become a boarding house at best if they didn't do something constructive.

Ms. White told the applicant that Board could not tie their project to anything on the Cherry Street Plaza and applicant replied that he recognized that.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent" to **APPROVE** a **Variance** (Section 280 - Structure Setback from Abutting Streets) to permit required parking in the major street setback (50' from centerline of 15th); and to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts Use Unit 1210 as authorized by Section 1680.1g) permitting off-street parking in an RS-3 District when abutting OL zoning and to permit access to the OL District through RS-3 zoning; to **APPROVE** a **Variance** (Section 630 - Bulk and Area Requirements in Office Districts) to permit 50% floor area ratio on Lots 4 and 75% floor area ratio on Lot 3; to **APPROVE** a **Variance** of setback from the centerline of 15th Street from 100' to 60'± to permit expansion of garage on Lot 4; to **APPROVE** a **Variance** of setback from west property line from 10' to 3'± to permit expansion of garage on Lot 4; to **APPROVE** a **Variance** of setback from north property line from 10' to 3' to permit expansion of the existing building on Lot 3; to **APPROVE** a **Variance** to permit 2 stories (due to expansions) on both Lots 3 and 4; to **APPROVE** a **Variance/Exception** (Section 1211.3 - Office and Studios Use Conditions - Section 250.3(d) - Modification of the Screening Wall or Fence Requirements) to waive/modify the screening requirement along the entire west property line (including lease property) and between Lot 3 and leased property; to **APPROVE** a **Variance** (Section 1211.4 - Off-Street Parking and Loading Requirements) of parking requirements from 16 to 5 on Lot 4 and from 14 to 0 on Lot 3; and to **APPROVE** a **Variance** Section 1320 - Off-Street Parking General Requirements) to permit the required parking on a lot other than the lot containing the principal use, located at 1400 South Norfolk; subject to applicant representation here today and the text provided and subject to maintaining the off-street parking lease with the Department of Transportation, State of Oklahoma and further conditioned that only the existing residential uses be permitted until said improvements are made; finding a hardship exists in the lot size due to the Broken Arrow Expressway; and finding the requested variances would not be injurious to the neighborhood and would be in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Case No. 14045 (continued)

Lots 3 & 4, Block 13, Broadmoor Addition, 1400 South Norfolk,
City of Tulsa, Tulsa County, Oklahoma.

Case No. 14088

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted In Residential Districts - Use Unit 1217 - Request a Use Variance to allow for a used car lot to be located in an RS-3 zoned district.

Variance - Section 1340.(d) - Design Standards for Off-Street Parking Areas - Use Unit 1217 - Request a variance to waive the required all weather surface for off-street parking, located at 5810 South Mingo Road.

Presentation:

The applicant, Wesley Thompson, 7978 South Sheridan, Tulsa, Oklahoma said the property has been approved for IL zoning pending the publication of the ordinance and wants a use variance on the property because it is in a flood zone right now and there is nothing else the property could be used for as far as residential goes.

Comments and Questions:

Mr. Smith asked Mr. Thompson if he realized the magnitude of the floodwaters that have crossed the property in the past and Mr. Thompson replied in the affirmative. Mr. Thompson said that right now there is a house on the lot and that there would only be a few cars put on the lot and said that if something happened the cars could be moved.

Ms. White asked the Mr. Thompson why he was asking for a variance to waive the required all-weather surface for the parking. Mr. Thompson said he had been told it would be a disadvantage as far as the flood zone goes if there was an all-weather surface, such as pavement, put on it. Mr. Thompson said it would not matter too much with gravel.

Mr. Quarles asked if this was property the applicant presently owned or would require a lease and Mr. Thompson said he had a lease on the property now.

Mr. Smith asked if Mr. Thompson had been to Stormwater Management regarding this use and Mr. Thompson replied that he had not.

Interested Parties:

Ward Miller, Planning Chief for Stormwater Management, 707 South Houston, Tulsa, Oklahoma read and passed out a written recommendation (Exhibit B-1) from the Department of Stormwater Management stating that his Department could not recommend approval of this use request.

Case No. 14088 (continued)

Protestants:

A letter of protest and photographs (Exhibit B-2) were received from Charles Ashley, who stated that the used car lot would adversely affect the property value in the area.

Comments and Questions:

Mr. Smith ask Mr. Miller what would be the depth of water during the hundred year on this site and Mr. Miller replied the 100 year vent would be contained in the channel leading up to this area and also contained in a channel leading away from Mingo. Mr. Miller replied that the subject tract is almost totally within the designated floodway.

Board Action:

On MOTION of QUARLES, the Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **DENY** a **Variance** (Section 410 Principle Uses Permitted In Residential Districts - Use Unit 1217) to allow for a used car lot to be located in a RS-3 zoned district; and to **DENY** a **Variance** (Section 1340.d Design Standards for Off-street Parking Areas Use Unit 1217) to waive the required all weather surface for off street parking; finding the used car lot and potential for flooding would be injurious to the neighborhood and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property;

Lots 1 & 2, Block 2, Anderson Addition, 5810 South Mingo, City of Tulsa, Tulsa County, Oklahoma.

MINOR VARIANCES AND EXCEPTIONS

Case No. 14106

Action Requested:

Minor Variance - Section 430 - Bulk and Area Requirements In Residential Districts - Use Unit 1206 - Request a minor variance of front yard setback from the centerline of South Winston Avenue from required 50' to 47' to permit an addition to residence, located at 1320 South Winston Avenue.

Presentation:

The applicant, Donald Stanton, 1320 South Winston, Tulsa, Oklahoma, stated that he wanted to extend the front porch to his property.

Comments and Questions:

Ms. White asked the applicant if he had a plot plan and he replied in the affirmative and presented a plat of survey to the Board (Exhibit C-1).

Case No. 14106 (continued)

Mr. Smith asked Mr. Stanton if the proposed structure was shown on a plot plan and Mr. Stanton replied that it was not, but pointed to where the location would be on the plan.

Protestants: None.

Board Action:

On MOTION of SMITH the Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions"; Bradley and Chappelle "absent") to **APPROVE** a **Variance** (Section 430 Bulk and Area Requirements In Residential Districts - Use Unit 1206) of front yard setback from the centerline of South Winston Avenue from required 50' to 47' to permit an addition to residence; finding the proposed addition would not be injurious to the neighborhood and is in harmony with the spirit and intent of the Code and Comprehensive Plan; and there being several encroachments in the area; on the following described property:

Lot 4, Block 6, Adamson Heights Addition, 1320 South Winston Avenue, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14112

Action Requested:

Minor Variance - Section 280 - Structure Setback from Abutting Streets - Use Unit 1221 - Request a minor variance of required setback of 50' from the centerline of South Harvard Avenue to permit a sign, located east of the SE/c of Harvard Avenue and 32nd Place.

Presentation:

The applicant, Robert Dail, 1889 North 105th East Avenue, Tulsa, Oklahoma, an employee of Craig Neon said Leslie's Pools contacted him requesting Craig Neon survey their property and give them a recommendation regarding their signage. Mr. Dail stated Leslie's Pools have a hardship regarding their building is on a very busy corner of Harvard and are relying on single-faced signage on their building. Mr. Dail said customers looking for Leslie's Pools have trouble locating the sign in time to turn due to the extremely heavy traffic. Craig Neon wants to put up a pole sign to get better visibility from down the street. Mr. Dail advised his company had taken photographs and a physical survey and he then submitted them, along with a sign plan, to the Board (Exhibit D-1).

Comments and Questions:

Mr. Smith asked Mr. Dail how many existing signs would be blocked by putting the Leslie Pool sign up and Mr. Dail said only one Gulf sign going south and that it would not be blocked from view going north.

Case No. 14112 (continued)

Mr. Smith asked Mr. Dail if his sign would be out front of the others on the block and Mr. Dail answered in the negative stating that the angle was deceiving. Mr. Dail said the sign was right at 16' tall.

Mr. Quarles asked what the dimensions of the sign were and Mr. Dail replied 8' by 14' and was nonlighted.

Protestants:

Mr. Jerry Swanson, 3229 South Harvard, Tulsa, Oklahoma, which is next door to Leslie's Pools presented pictures and a petition (Exhibit D-2) protesting the variance being requested.

Rebuttal:

Mr. Dail stated that his pictures gave a more accurate view of Leslie's Pools than did Mr. Swanson and that by observing Mr. Dail's pictures you could see that the proposed sign would not cause any blockage of Mr. Swanson's property.

Comments and Questions:

Ms. White asked if there is a representative from the Sign Inspector's office in the room and was told there was not.

Mr. Smith stated this must be of grave concern to the people present because there are more present than usual for this type of application. Mr. Smith said he did not want to delay, but thought the Board might want to look at it or have someone give the Board further information. Mr. Smith stated that, based upon the information supplied, he was not prepared to support the application.

Ms. White stated she was not prepared to support the application either and asked the Board if they wanted to continue the case.

Mr. Jackere asked if an application had been made to the Sign Inspector and Mr. Dail said he had talked to Ken Bode on the phone and Mr. Bode advised him to go before the Board first before making an application or he would be automatically turned down citing the setback as the cause. Mr. Jackere asked Mr. Dail if, other than setback, the application met all other provisions of the zoning and Mr. Dail replied in the affirmative.

Ms. White stated that she was concerned about what she saw as the lack of a hardship.

Mr. Quarles agreed with Ms. White's comment.

Case No. 14112 (continued)

Board Action:

On MOTION of QUARLES, the Board voted 3-0-0 (White, Smith, Quarles "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **DENY** a Variance (Section 280 Structure Setback From Abutting Streets Use Unit 1221) of required setback of 50' from the centerline of South Harvard Avenue to permit a sign; finding the proposed sign would be injurious to the surrounding properties and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lots 14 and the east 10' of Lot 15 and the south 50' of the north 100' of Lot 16 and the south 50' of the north 100' of the west 60' of Lot 15, all in Shafer Heights Addition, a subdivision of the Albert Pike Second Subdivision to the City of Tulsa, and all that part of the north 50' of Lot 16 and all that part of the north 50' of the west 60' of Lot 15, Shaver Heights Addition, lying south of a straight line immediately adjacent to and parallel with the southern portion of the Grantor's present building on said north 50' of Lot 16 and part of the north 50' of the west 60' of Lot 15, which said line has been more particularly determined by a recent survey to be located as follows: Beginning at a point in the west boundary of said Lot 16, said point being 0.59' north of the southwesterly corner of said north 50' of Lot 16, and thence easterly 130' to a point in the east boundary of said north 50' of the west 60' of Lot 15, which last mentioned point is 0.14' north of the southeasterly corner of said north 50' of the west 60' of Lot 15, City of Tulsa, Tulsa County, Oklahoma.

NEW APPLICATIONS

Case No. 14099

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts, Requirements - Home Occupation - Request a special exception to allow a home occupation (use of portion of residence for landscape company office) in an R District.

Variance - Section 240.3 - Use of Yards in R Districts - Request a variance to permit a part of the off-street parking at residence to be surfaced with stone aggregate, located on the NE/c of East 25th Place and South Sheridan Road.

Case No. 14099 (continued)

Presentation:

The applicant, Charles Norman, Suite 909, Kennedy Building, Tulsa, Oklahoma, was not present at the meeting. Ricky Jones, INCOG, stated to the Board that an error had occurred in the legal description during publication and the case must be readvertised. Mr. Jones said he had been in contact with the applicant and that the new notice had already been sent to property owners within 300' rescheduling the meeting to July 10th.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles, "aye" no "nays"; no "abstentions"; Bradley, Chappelle "absent") to CONTINUE Case No. 14099 to July 10, 1986.

Case No. 14100

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Commercial Districts - Use Unit 1217 - Request a special exception to allow used car sales in a CS zoned district.

Variance - Section 1217.3(b) - Automotive and Allied Activities, Use Conditions - Request a variance to permit open air storage or display of merchandise offered for sale within 300' of an R District, located at 718 South Lewis.

Presentation:

The applicant, Joe Raniewicz, 718 South Lewis, Tulsa, Oklahoma was not present but was represented by John Shannon, the business owner. Mr. Shannon told the Board at the present time there is an auto body shop at this location and he is applying for car sales also. Mr. Shannon informed the Board that the history of the building has always been automotive.

Case No. 14100 (continued)

Comments and Questions:

Ms. White asked Mr. Shannon if the other used car lots were not open lots and indicated that the subject cars were parked over the sidewalk upon her perusal of the location. Mr. Shannon replied that there is plenty of room behind the sidewalk for the cars. Ms. White asked how many feet between the building and the sidewalk and Mr. Shannon replied approximately one and one-half car lengths. Ms. White asked Mr. Shannon if the previous uses that were automotive also stored cars out in front and Mr. Shannon replied that the building next door, The Repo Depot, had been used by previous owners as a showroom and cars were put inside and outside the front. Ms. White asked Mr. Shannon how many cars were out front of his building at the present time and he replied about ten.

Mr. Gardner asked Mr. Shannon if the Board had recently approved auto sales in the area in the last six months and Mr. Shannon replied in the affirmative and named Phil's at 8th and Lewis.

Ms. White asked Mr. Shannon if Phil's had an open lot and Mr. Shannon replied in the affirmative.

Protestants:

Allen Stewart, 2244 East 7th, Tulsa, Oklahoma, a resident of the area, objected to the use, citing an eye sore and safety hazard due to the location. Mr. Stewart estimated the distance between the building and the sidewalk at twelve feet and said that cars which are larger than midsize, have front bumpers extending over the sidewalk. Mr. Shannon said that on larger cars, such as a Lincoln Town Car, the car would hang out over half of the sidewalk. Mr. Shannon said there is no way to place cars there without blocking the view of southbound motorists and no way a motorist coming out from 8th Street could have a view of southbound motorists on Lewis.

A letter of protest (Exhibit F-1) from Mary Files was submitted.

Applicant's Rebuttal:

Mr. Shannon said there were a few instances when a car bumper had been over the sidewalk and that it is unnecessary, and their fault. Mr. Shannon also stated that if a car is parked on the corner of 8th and Lewis with the nose over the sidewalk motorists cannot see but he will endeavor not to park cars there in order to keep the view free. Mr. Shannon stated there is plenty of room to park the cars

Case No. 14100 (continued)

back from the sidewalk and therefore the drivers would be able to see.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles, "no"; no "ayes", no "abstentions"; Bradley, Chappelle "absent") to **DENY** a **Special Exception** (Section 410 Principal Uses Permitted In Commercial Districts Use Unit 1217) to allow used car sales in a CS zoned district; and to **DENY** a **Variance** (Section 1217.3(b) Automotive and Allied Activities Use Conditions) to permit open air storage or display of merchandise offered for sale within 300' of an R District; finding the proposed auto sales on this property would be injurious to the neighborhood and not in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 30, Block 6, Hillcrest Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14104

Action Requested:

Variance - Section 1340(e) - Design Standards for Off-Street Parking Areas - Use Unit 1208 - Request a variance to the screening requirement between an RM-2 and RS District on the east border and for 253.89' on the south border.

Variance - Section 1208.4 - Off-Street Parking and Loading Requirements - Request a variance to reduce the required number of parking spaces for retirement village from 189 to 146 (only 124 retirement apartments), located at 22nd Street South and South 82nd East Avenue.

Presentation:

The applicant, Louis Levy, Suite 100, 5200 South Yale, Tulsa, Oklahoma, was not present. Ricky Jones, INCOG, informed the Board he had been in contact with Mr. Levy and there was a problem with only three Board members present and one member abstaining due to a conflict of interest. Protestants in the audience were made aware of the problem and asked if the July 10th meeting would be an inconvenience.

Board of Action:

On MOTION of SMITH, Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent"; to **CONTINUE** Case No. 14104 to July 10, 1986.

Case No. 14105

Action Requested:

Variance - Section 208 - One Single Family Dwelling Per Lot of Record - Use Unit 1206 - Request a variance to allow 3 existing dwellings (2 garage apartments and a residence) on 1 lot of record (Lots 5 and 6), located on the NW/c of 16th Street and Newport Avenue.

Presentation:

The applicant, William Simmons, 1115 East 16th Street, Tulsa, Oklahoma, was not present but sent a letter (Exhibit E-1) stating he could not be at meeting and asked that this case be continued to the next meeting date of July 10, 1986.

Board Action:

On MOTION of SMITH, Board voted 3-0-0 (Smith, White, Quarles "aye"; no "nays"; no "abstentions", Bradley, Chappelle "absent"; to **CONTINUE** Case No. 14105 to July 10, 1986.

Case No. 14107

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1209 - Request a special exception to permit a mobile home in an RS-3 zoned district.

Variance - Section 440.6(a) - Special Exception Uses in Residential Districts, Requirements - Request a variance to waive the 1 year time limitation to 3 years, located at 2324 North 129th East Avenue.

Presentation:

The applicant, Kathy Cooper, 4018 West 42nd Street, Tulsa, Oklahoma, requests to move a mobile home into a RS-3 District and asks for a three year variance on time limitation.

Comments and Questions:

Mr. Smith asked the applicant if there were any other mobile homes around the area and she replied in the affirmative. Mr. Smith asked Ms. Cooper if her location was anywhere near a floodplain, creek or pond and she replied there was a pond to the north. Mr. Smith asked if the location had ever flooded and Ms. Cooper replied no. Mr. Smith asked the applicant if the location was on a sewer and she replied in the negative but said there was a septic tank already there. Mr. Smith asked Ms. Cooper if she had checked to see if it would accommodate her trailer and she said she understood the Health Department had to approve the septic tank or she would have to put in new one. Mr. Smith asked about a water main and fresh water and Ms. Cooper replied that she did have City water, gas and electric.

Case No. 14107 (continued)

Interested Parties:

Ward Miller, 707 South Houston, Planning Chief for Department of Stormwater Management, requested it entered into the record that this action would require Watershed Development Permit before the applicant could move the trailer onto her property. Mr. Miller also encouraged the applicant to go to the office of Stormwater Management to discuss getting this permit.

Board Action:

On MOTION of SMITH, Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **APPROVE** a **Special Exception** (Section 410 - Principal Uses Permitted in Residential Districts Use Unit 1209) to permit a mobile home in an RS-3 zoned district; and to **APPROVE** a **Variance** (Section 440.6(a) Special Exception Uses in Residential Districts, Requirements) to waive the 1 year time limitation to 3 years, located at 2324 North 129th East Avenue; subject to approval of the Health Department and applicant going to Department of Stormwater Management for Watershed Development Permit; finding the requested mobile home would not be injurious to the neighborhood and in harmony with the spirit and intent of the Code and the Comprehensive Plan; and finding the hardship being that although the property is zoned residential, it has not developed in a typical residential nature; on the following described property:

A tract of land commencing at the NE Corner of the NE/4 of the SE/4 of Section 29, Township 20 North, Range 14 East of the Indian Base and Meridian, thence South at right angles for a distance of 146.64 feet; thence West at right angles for a distance of 313 feet; thence North at right angles for a distance of 146.64 feet; thence East at right angles for a distance of 313 feet to the point of beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14108

Action Requested:

Special Exception - Section 410 - Principal Uses Permitted in Residential Districts - Use Unit 1205 - Request a special exception to allow a day care center in an existing school building, located at 2nd Place South and South 117th East Avenue.

Presentation:

The applicant, Anita Branchley, 2917 South 124th East Avenue, Tulsa, Oklahoma stated her hours of operation would be 7:00 a.m. to 6:00 p.m., Monday through Friday, and would be licensed by the State. Mrs. Branchley noted the request was similar to others granted by the Board and this location also contained separate drop-off and play areas.

Case No. 14108 (continued)

Comments and Questions:

Ms. White asked Ms. Branchley how many children the applicant would have at the site and Ms. Branchley replied up to 50 children maximum. Ms. Branchley said there is always the possibility that the school would allow them more rooms if their growth dictated the need, but the applicant doubted it would be more than three rooms.

Ms. White asked Ms. Branchley if she would be allowed 50 maximum children at the present time and Ms. Branchley replied in the affirmative.

Mr. Smith asked the applicant if this was for summer time only and Ms. Branchley replied the school would run year round.

Mr. Quarles asked the applicant if this is a public school and if so which one and Ms. Branchley replied Kerr Elementary School.

Mr. Gardner asked if these rooms were segregated from the rest of the school and Ms. Branchley replied yes.

Mr. Quarles asked if the children are preschoolers and Ms. Branchley replied they are ages 3 through 11.

Protestants: None.

Board Action:

On MOTION of QUARLES Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **APPROVE** a **Special Exception** (Section 410 Principal Uses Permitted In Residential Districts Use Unit 1205) to allow a day care center in an existing school building, Monday through Friday, 7:00 a.m. to 6:00 p.m.; on the following described property:

All that part of the West one-half of Section 5, T-19-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the NE corner of Lot 1, Block 1, Western Village, an addition in Tulsa County, Oklahoma, thence N 9°56'15" E a distance of 143.03 feet, thence N 80°28'22" W a distance of 51.67 feet, thence along a curve to the right having a radius of 115.00 feet a distance of 180.64 feet, thence N 9°31'38" E a distance of 230.01 feet, thence along a curve to the right having a radius of 637.67 feet a distance of 221.12 feet, thence due West a distance of 495.92 feet, thence S 9°34'38" W a distance of 532.36 feet, thence S 14°57'45" E a distance of 94.65 feet, thence S 80°03'45" E a distance of 578.00 feet to the point of beginning, containing 7.44 acres more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14109

Action Requested:

Special Exception - Section 440.2 - Special Exception Uses in Residential Districts - Requirements - Use Unit 5 - Request a special exception to allow a home occupation (selling flags) in an RS-3 District, located on the SW/c of 32nd Street and Kingston Avenue.

Presentation:

The applicant, Eva Gowin, 5926 East 32nd Street, Tulsa, Oklahoma, submitted a price sheet (Exhibit K-1), and stated she has no customers coming to her home. Ms. Gowin explained she will custom make flags for any occasion and that all of her sales are away from the home. She also stated she has a post office box to which her mail is delivered.

Comments and Questions:

Ms. White asked Ms. Gowin if she had deliveries to her home every day and Mrs. Gowin replied she has only had three deliveries all year.

Ms. Smith asked the applicant if she had read the Home Occupation Guidelines and Mr. Gowin replied in the affirmative.

Protestants: None.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE** a **Special Exception** (Section 440.2 - Special Exception Uses in Residential Districts - Requirements - Use Unit 5) to allow a home occupation (selling flags) in an RS-3 District; subject to the rules of Home Occupation Guidelines; finding that the proposed home occupation would not be injurious to the neighborhood and is in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

Lot 1, Block 5, Lorraine Heights Addition to the Town of Highland Park, City of Tulsa, County of Tulsa, Oklahoma.

Case No. 14110

Action Requested:

Use Variance - Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1206 - Request a use variance to allow for an existing residence (apartment for security purposes) in an IM zoned district, located on the NW/c of Charles Page Blvd. and 25th West Avenue.

Presentation:

The applicant, Stephen Buford, Box 1926, Tulsa, Oklahoma, was not present but was represented by his father, Dan Buford who was also representing the owners of the property, William R. Mallory, Jr., William R. Mallory, Sr. and Mrs. Mallory. Mr. Buford explained that the present facility is a converted service station which is used to house security equipment for the premises. He also stated that vandalism had occurred in the past and this measure is needed to protect the property.

Comments and Questions:

Ms. White asked Mr. Buford if someone would stay there full time and Mr. Buford answered off and on.

Mr. Smith ask the value of the equipment inside the building and Mr. Buford answered probably \$60,000.00.

Mr. Smith ask the applicant if this was the building that had all the sophisticated equipment in it and Mr. Buford answered in the affirmative.

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **APPROVE** a Use Variance (Section 910 - Principal Uses Permitted in Industrial Districts - Use Unit 1206) to allow for an existing residence (apartment for security purposes) in an IM zoned district, located on the NW/c Charles Page Blvd. and 25th West Avenue; finding the hardship being the principal use would not be a residence and the residence is required to provide full time security; on the following described property:

Lots 28-31, Block 13, Hale Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14113

Action Requested:

Use Variance - Section 410 - Principal Uses Permitted in Residential Districts - Request a use variance to permit a pole barn to store hay in an RM-2 District, located on the SE/c of South 61st West Avenue and West 11th Street.

Case No. 14113 (continued)

Presentation:

The applicant, Linda Luellen, 5704 West 10th Street, Tulsa, Oklahoma, was not present and was represented by Ms. Leola Buthod, 512 North 28th West Avenue, Tulsa, Oklahoma. Ms. Buthod stated that the property lies in the area of a proposed expressway and that no one wants to build a residence there. Ms. Buthod stated that the applicant does not want to change the zoning, only wants a variance to build a barn. Ms. Buthod stated that before the levy was put in all that area had flooded. Ms. Buthod stated that in the last 75 years there were houses on the location that were completely swept away by the Arkansas River. The pole barn would be used to store hay and feed for livestock on the property.

Comments and Questions:

Ms. White asked Ms. Buthod if this area flooded in 1984 and Ms. Buthod replied no.

Protestants: None.

Interested Parties:

Ward Miller, 707 South Houston, Department of Stormwater Management, entered into the record that the applicant would need to obtain a Watershed Development Permit from the Department of Stormwater Management prior to construction of the pole barn.

Board Action:

On MOTION of QUARLES, Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle, "absent") to **APPROVE a Use Variance** (Section 410 Principal Uses Permitted in Residential Districts) to permit a pole barn to store hay in an RM-2 District: per Department of Stormwater Management approval; finding the hardship to be the lack of residential development and the proposed expressway; on the following described property:

Lot 4 and a tract of land in the SE/4 of the NW/4 of Section 8, T-19-N, R-12-E, described as follows: Beginning at a point which is the NW/c of the SE/4 of the NW/4, thence east 172', thence south 150', thence east 150', thence south 350', thence east 498', thence south 248', thence east 200', thence south 145', thence east 300' to the east line of the SE/4 of the NW/4, thence south a distance of 427' to the SE/c of the SE/4 of the NW/4, thence west 1,320' to the SW/c of the SE/4 of the NW/4, thence north 1,320' to the Point of Beginning, City of Tulsa, Tulsa County, Oklahoma.

Case No. 14114

Action Requested:

Special Exception - Section 510- Principal Uses Permitted in Office Districts - Use Unit 1205 - Request a special exception to permit a day care learning center in an OL zoned district, located East of the SE/c of Harvard Avenue and East 46th Street South.

Presentation:

The applicant, Deborah Paul was represented by attorney Steve Schuller, 610 South Main, Suite 300. Mr. Schuller stated the Day Care Learning Center would be for children from the ages of 6 weeks through the 5th grade with hours of 7:00 a.m. to 6:00 p.m. Mr. Schuller said there would be a full day program for children from the ages of 6 weeks through pre-kindergarten. Mr. Schuller said there would be a pre-school from 9:00 a.m. to 2:30 p.m. and before and after school, kindergarten transportation to and from Patrick Henry and Phillips Elementary Schools, as well as before and after school transportation for first through the fifth grades. Mr. Schuller submitted a site plan (Exhibit N-1) and also shows a building design. He said these are not to be considered a site plan for this application but are included to illustrate the type of property use proposed. Mr. Schuller said design standards will be governed by the Department of Human Services regulations and requirements governing day care centers as well as the City standards. Mr. Schuller said the applicant is applying for a license for 99 children. Mr. Schuller submitted photos (Exhibit N-2) of the house. The site plan indicates over a dozen parking spaces. Mr. Herb Fritz, District 6 Representative, sent a letter of approval (Exhibit N-2) for the applicant that was read into the record. Mr. Schuller also presented a letter from the Department of Human Services stating that the facility meets the needs of the community. Letters from the Girl Scouts and Boy Scouts in support of the application were also presented to the Board.

Comments and Questions:

Ms. White asked what was the maximum number of children proposed at this site and Mr. Schuller answered 99.

Protestants:

Les Hill, 120 East 17th Street, No. 18, Tulsa, Oklahoma, former resident of the neighborhood, stated his parents continue to live in the neighborhood and he is speaking for the neighborhood. Mr. Hill submitted a petition of 200 names (Exhibit N-4) indicating their opposition to the application. Mr. Hill presented pictures (Exhibit N-5) to the Board showing the narrowness of the street, the open ditches on either side of the street and the character of the neighborhood.

Ms. White acknowledged a letter from Mr. James E. Graber (Exhibit N-6) stating that he is opposed to the Day Care Center at the location.

Mr. Greg Weaver, 4621 South Jamestown, a neighborhood resident, stated his major concern was for the children that live on South Jamestown Street which would have the major flow of traffic.

Applicant's Rebuttal:

Mr. Schuller was concerned that the protestants were presenting issues not appropriate to be heard by the Board but were more concerned with the zoning problems created some time ago.

Case No. 14114 (continued)

Board Action:

On MOTION of SMITH, the Board voted 3-0-0 (Smith, White, Quarles, "aye"; no "nays"; no "abstentions"; Bradley, Chappelle "absent") to **DENY** Special Exception (Section 510 Principal Uses Permitted in Office Districts Use Unit 1205) to permit a day care learning center in an OL zoned district; on finding that the proposed day care learning center would be injurious to the neighborhood and not in harmony with the spirit and intent of the Code and Comprehensive Plan; on the following described property; on the following described property:

Lot 2, Block 3, Villa Grove Heights No. 1, East of SE/c of Harvard Avenue and East 46th Street South, City of Tulsa, Tulsa County, Oklahoma.

There being no further business, the meeting was adjourned at 3:11 p.m.

Date Approved

7.10.86


Chairman

